

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor
BAYVIEW LOAN SERVICING, LLC as servicer for
THE BANK OF NEW YORK MELLON fka THE
BANK OF NEW YORK, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS FOR CWMBS, INC., CHL
MORTGAGE PASS-THROUGH TRUST 2007-16,
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2007-16 Loan Servicing, LLC

In Re:

Anthony R. Avallone,

Debtor.



Order Filed on January 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-30071 MBK

Adv. No.:

Hearing Date: 12/3/192/14/2017 @ 9:00 a.m..

Judge: Michael B. Kaplan

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: January 27, 2020

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Anthony R. Avallone

Case No: 18-30071 MBK

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, BAYVIEW LOAN SERVICING, LLC as servicer for THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS FOR CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-16, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-16, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 17 Denise Court, Lincroft, NJ, 07738, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Jonathan Goldsmith Cohen, Esquire, attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of January 14, 2020, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due September 2019 through January 2020 for a total post-petition default of \$29,481.68 (5 @ \$6,457.82, \$2,807.42 less suspense); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$29,481.68 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor shall file a modified plan within twenty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that loss mitigation payments are to resume February 1, 2020, directly to Secured Creditor's servicer, Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. Coral Gables, FL 33146 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the loss mitigation payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.